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10/736,245	12/15/2003	Tod A. Kinsley	200309606-1	6437
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HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER NICHOLSON III, LESLIE AUGUST	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/736,245

Applicant(s)

KINSLEY ET AL.

Examiner

Leslie A. Nicholson III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-20 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/15/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/15/2003
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

### **DETAILED ACTION**

This is a first action on the merits of application 10/736245.

#### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 112. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

The abstract of the disclosure is objected to because the heading of the abstract is not labeled "Abstract" or "Abstract of the Disclosure", which is not in compliance with 37 CFR 1.72(b), which reads;

(b) A brief abstract of the technical disclosure in the specification must commence on a separate sheet, preferably following the claims, under the heading "Abstract" or "Abstract of the Disclosure." The sheet or sheets presenting the abstract may not include other parts of the

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application or other material. The abstract in an application filed under 35 U.S.C. 111 may not exceed 150 words in length. The purpose of the abstract is to enable the United States Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure.

Correction is required. See MPEP § 608.01(b).

The use of the trademark SANTOPRENE® has been noted in this application (page 4, line 7). It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

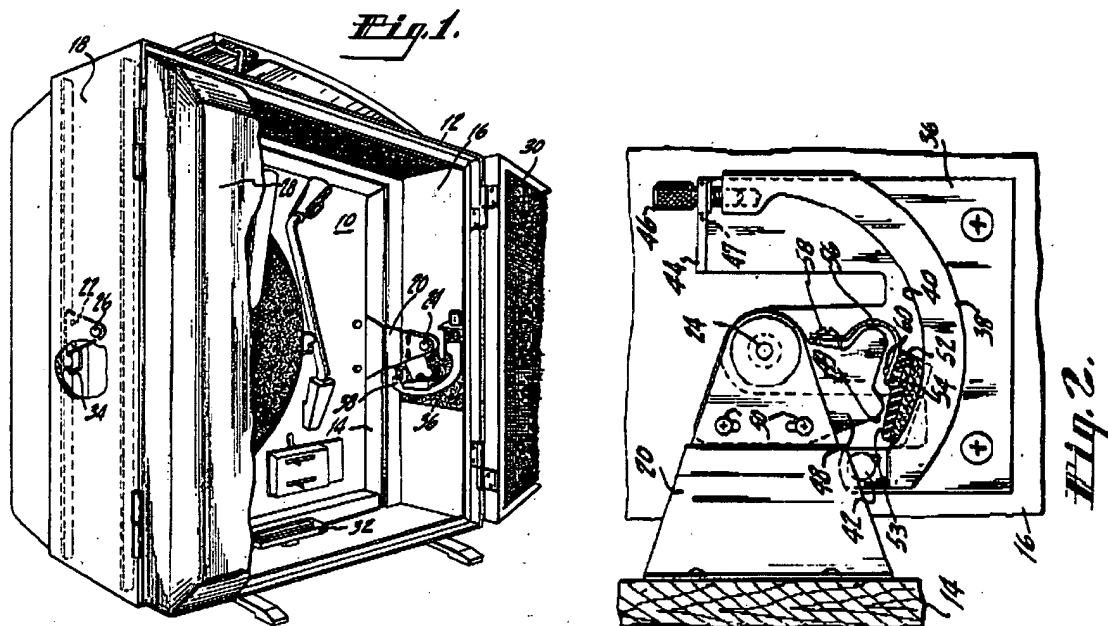
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1,2,3,4,7,8, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Gehrung (3,409,339). Gehrung discloses (column 1, line 23-36) a portable equipment cabinet carrying a sound reproducing apparatus (Fig.1 as shown below), which includes a pivotally mounted tray member, a brake member (reference number 52 in Fig.2 as shown below) provided for damping the pivotal movement of the tray when it is caused to move from a vertical position to a horizontal position to control motion. It is noted that "media" is defined as an object or device, such as a disk, on

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which data is stored. A "compact disk" is defined as a digitally encoded recording on an optical disk, while a "record" is something on which sound has been recorded. A "record" is a synonym for "compact disk" and is thus considered a "media" device.



With respect to claim 2, Gehrung discloses a "shoe member" (column 1, line 58-65) including a lining, such as a leather strip (column 3, line 5-6) which is non-fluidic, positioned for movement along a track in cooperative engagement between an open and closed position in order to control the sliding motion of the tray. It is noted that "shoe" is defined as a device that retards or stops the motion of an object.

With respect to claim 3, Gehrung discloses (column 2, line 58-59) the track, or damper, affixed to a plate, which is mounted to the frame by means of 2 screws, by means of a screw or rivet. The screw or rivet, which is meant for removably mounting the damper on the frame, can be considered a protrusion of the frame. In addition, Gehrung discloses brackets (column 2, line 25) on each side of the frame. Connecting

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the media tray to the frame are bearing pins (column 2, line 26). The bearing pins, which are disposed on opposite sides of the frame, can be considered protrusions of the frame.

With respect to claim 4, the brackets disclosed by Gehrung comprise securing holes. They are disposed on opposite sides of the media tray with each configured for pivotal movement on each of the protrusions (bearing pins) to enable the media tray for pivotal movement to the frame.

With respect to claim 7, Gehrung discloses a shoe and a track, comprising an arcuately contoured surface positioned on a mounting place (column 2, line 51-53), which is adapted to receive the shoe for frictional engagement wherein the track is positioned on the frame adjacent the point of pivotal mounting between the media tray and frame. It is noted that the term "adjacent" is defined as "close to".

With respect to claim 8, Gehrung discloses the track member (column 3, line 49-52) being positioned at the sidewall such that its arc center is concentric with the bearing center. In addition, an arm member (column 2, line 70), which the shoe is fixed to, is journaled around the pivot bearing and fastened to the tray bracket for pivotal movement therewith by means of screws. Because it is disclosed that the shoe touches the track throughout a movement from a vertical to a horizontal movement of the tray relative to the frame, it is clear that the arm member and shoe assembly have a length substantially the same a distance between the point of pivotal mounting and the curved contact surface of the track.

With respect to claim 16, Gehrung discloses a media handling device comprising a means for enabling pivotal movement of a media tray relative to a frame of the media handling device via a bracket and pin, and a means, separate from the means for enabling pivotal movement, for frictionally engaging the media tray to control the velocity of pivotal movement of the media tray relative to the frame (column 2, line 46-48).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

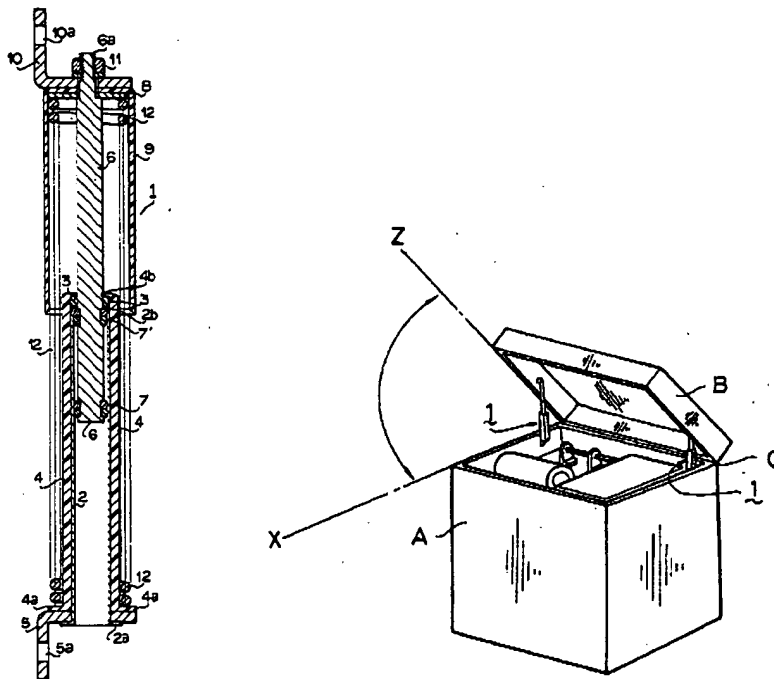
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6, 9, 10, 11, 12, 14, 15, 17, 18, 19, and 20 are rejected under 35 U.S.C. 103(a).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable in view of Gehrung (3,409,339) and in further view of Ojima (4,457,497). Gehrung discloses a media handling device set forth in claims 1 and 3 with at least one second protrusion configured for removably mounting the damper on the frame, but does not expressly disclose a pair of second protrusions, nor does he disclose a pair of dampers mounted adjacent to each of the first protrusions. Ojima discloses a spring balancer (Fig. 1 as shown below), which comprises a damper, installed between a fixed body and a lid pivotally through a horizontal revolution axis. Ojima further discloses a pair of dampers (Fig. 2 as shown below), which are mounted on opposite sides of the frame via brackets

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(column 4, line 17) and bracket holes (column 4, line 19) where protrusions of the frame would be inserted, on each side of the frame. Ojima, however, does not expressly disclose a media handling device. At the time of invention, it would have been obvious to a person of ordinary skill in the art to adapt the media handling device of Gehrung with protrusions configured at both ends of a frame, as suggested by Ojima, for mounting a pair of dampers to provide increased frictional engagement between the frame and a tray.



Claim 9, 14, 17, 18, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gehrung (3,409,339).

In reference to claim 9, Gehrung discloses the media handling device set forth in claim 1 with a media tray comprising a body. He also discloses a securing portion, which includes a bracket configured for pivotally mounting the media tray on a pin to the



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frame. Gehrung does not expressly disclose the securing portion on the inner end. The arm member including the shoe disclosed by Gehrung (reference 48,49, and 52 in Fig. 2 shown above) is shown as being generally, but not exactly perpendicular to the frame of the media device. It is noted that the term "generally" is defined as "not specifically" or "for the most part" and therefore "generally perpendicular" is not considered exactly perpendicular. It is also noted that the shoe and arm member assembly extend out to make contact with the track where the assembly is considered a finger. Gehrung, however, does not expressly disclose a finger at the inner end of the media tray. Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to make a media handling device wherein the media tray comprises a body and adapt a damping device, as set forth by Gehrung, with a finger extending generally perpendicular relative to the frame at the inner end of a media tray and adapting a bracket and pin for pivotally mounting at the inner end of a media tray in order for the first and second position of the tray to be about 90° from one another.

In reference to claim 14, Gehrung discloses a damper for a media tray pivotally mountable to a frame while the damper comprises a track having a generally concave contact surface, and a plate for mounting the damper to the frame so the contact surface is in a position for frictional engagement with the media tray between a first and second position relative to the frame. Gehrung does not expressly disclose a frame of a printer, but at the time of invention it would have been obvious to a person of ordinary skill in the art to adapt the damper disclosed by Gehrung specifically to a printer frame,

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and not just a media frame in general, for damping the tray between a first and second position to have a controlled sliding motion of the frame.

In reference to claim 17, Gehrung discloses the media handling device as set forth in claim 16. He further discloses a damper disposed on a frame adjacent the means for pivotal movement to enable the damper to engage a portion of the media tray during pivotal movement of the tray relative to the frame. Gehrung does not expressly disclose the frame being that of a printer, but of a general media device. However, it would have been obvious at the time of invention to a person of ordinary skill in the art to use the means for frictional engagement comprising a damper disposed on a media frame, to use the same means to frictionally engage a printer frame in order to control the velocity of pivotal movement of the tray.

In reference to claim 18, Gehrung discloses the media handling device as set forth in claim 16, and the means for frictional engagement set forth in claim 17 under a case of obviousness, but he does not expressly disclose a media handling device comprising at least one of a printer, a photocopier, a facsimile machine, and a multifunction printer. However, at the time of invention it would have been obvious to a person of ordinary skill in the art to use the means for enabling pivotal movement of a media tray and means for frictionally engaging the media tray to control the velocity of pivotal movement of the tray to at least one of a printer, a photocopier, a facsimile machine, and a multifunction printer.

In reference to claim 19, Gehrung discloses a method of controlling motion of a media tray of a media device by mounting the media tray for pivotal movement relative

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to the printer frame between a first and second position; and damping the pivotal movement with frictional engagement between the media tray and frame, but he does not expressly disclose a media tray or frame of a printer in particular. However, at the time of invention it would have been obvious to a person of ordinary skill in the art to use the method of controlling motion of the media tray set forth by Gehrung and adapt that in order to control the motion of a media tray of a printer.

In reference to claim 20, Gehrung discloses a method to dampen the pivotal movement of a media tray by positioning a portion of the media tray to be in sliding contact with a concave curved surface associated with the frame of the media tray, but does not expressly disclose the frame being that of a printer. However, at the time of invention it would have been obvious to a person of ordinary skill in the art to use the method set forth by Gehrung and adapt that in order to control the motion of a media tray of a printer.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gehrung (3,409,339) and further in view of Joyce (5,626,225) and Winberg (6,026,776).

Gehrung discloses the media handling device set forth in claim 1 but does not expressly disclose a damper made of an elastomeric material nor a media tray made of a thermoplastic material. Joyce discloses a multiple compact disc supporting tray made of a thermoplastic material, but does not expressly disclose a media handling device comprising a media tray mountable to a frame for pivotal movement nor a damper for maintaining frictional engagement with the tray. Winberg discloses an elastomeric damper, but does not expressly disclose a media handling device. At the time of

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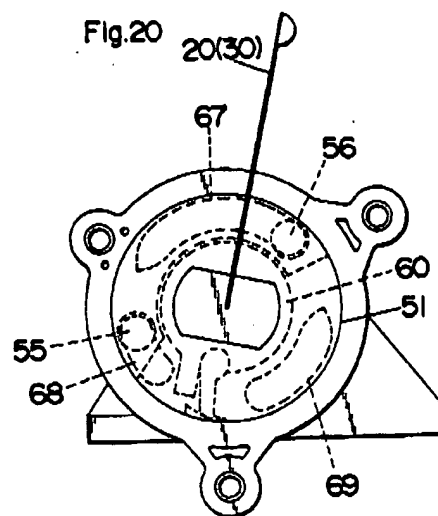
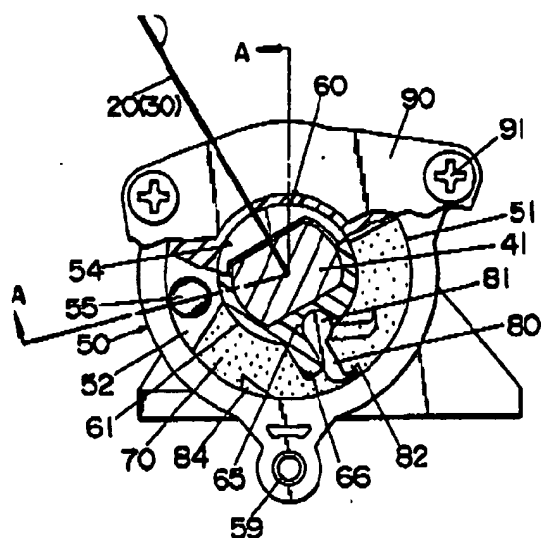
invention, it would have been obvious to a person of ordinary skill in the art to adapt a media handling device with a frame, a media tray made of a thermoplastic material mountable to the frame for pivotal movement between a first and second position, and an elastomeric damper disposed on the frame and configured for frictional engagement with a tray to insure a desired frictional sliding engagement between a finger tip and a damper.

Claim 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gehrung (3,409,339) and further in view of Murasawa (5,193,228).

In reference to claim 11, Gehrung discloses the media handling device as set forth in claim 1. He also discloses an assembly comprising a contact surface having a concave surface and configured to enable sliding movement between a concave surface and a finger of the media tray between its first and second position. Gehrung discloses a first and third contact surface configured to prevent the media tray from further rotating in one direction but does not prevent the media tray from moving in the direction opposite the respective contact surfaces. Murasawa does not disclose a media handling device, but does disclose a toilet covering hinge assembly with damping capability (as shown in Fig.1 below). The hinge assembly comprises a hinge shaft, a dashpot, and a flap. The dashpot is a damping assembly, which is filled with a damping fluid to dampen the motion of the toilet covering from a raised to a lowered position upon a toilet. A rotor is formed with a first stopper (reference number 84 in Fig.1 shown below), which is a contact surface, limiting pivotal movement of the flap so as to prevent it from further pivoting past a folded position to lie down on an exterior surface of the

rotor during movement of the toilet covering from the lowered to the raised position.

Murasawa also discloses that the rotor in the damping assembly has a flange within its cylinder, which is in rolling contact. A ball is held with a spring into a stop recess, a contact surface, in the outer flange when the toilet covering comes into the raised position for latching the toilet covering into that position (column 12, line 29-36 and Fig. 20 shown below). At the time of invention it would have been obvious to a person of ordinary skill in the art to integrate a damping assembly configured to maintain a media tray in fixed positions via contact surfaces, as suggested by Murasawa, with a damping assembly and with a concave contact surface configured, as suggested by Gehrung, to enable sliding movement between the concave surface and a finger of a tray between a first and second position in order to fix a media tray in two positions and damp the motion of the tray between those positions.



In reference to claim 12, Gehrung discloses the media handling device set forth in claim 1 and, through obviousness with Murasawa, discloses the damper disclosed in claim 11. Gehrung further discloses a second contact surface of the damper having a radius of curvature to maintain a substantially uniform velocity of the media tray as it pivots between a first and second position (column 2, line 46-48). As disclosed by Gehrung (shown in Fig.2, reference number 46) is a thumb screw, which is inserted through an elongated opening in a projection (column 2, line 61-68), that is adjustable to raise and lower the track and changing the effective arc center with respect to the pivot bearing to provide a gradually controllable friction curve. The radius of curvature of the track surface is thereby decreased as the tray is moved from its vertical to horizontal position and increased as the tray is moved from its horizontal position to vertical position with respect to the pivot axis and the wedging action of the shoe between the track surface and arm finger portion (column 3, line 21-25). In addition, the contact surfaces disclosed by Gehrung in the figures do prevent the media tray from moving past a vertical position or a horizontal position while neither prevents the tray from moving in the respective opposite position, however (as shown by Fig.2 above) the contact surfaces disclosed are flat and do form an obtuse angle relative to the contact surface. At the time of invention, it would have been obvious to a person of ordinary skill in the art to make a friction track with an effective adjustable radius of curvature and with contact surfaces between positions forming an obtuse angle, as suggested by Gehrung, to maintain a substantially uniform velocity of a media tray.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gehrung (3,409,339) and in further view of Bang (5,464,205). Gehrung discloses the media handling device described in claim 1 but does not expressly disclose it comprising at least one of a printer, a photocopier, a facsimile machine, and a multifunction printer. Bang discloses an image forming device, such as a facsimile telecommunications unit, with a frame where it has a paper tray hinged onto its cover, but does not expressly disclose a media handling device comprising a damper disposed on the frame and configured for maintaining frictional engagement with the media tray. Therefore, at the time of invention it would have been obvious to a person of ordinary skill in the art to adapt the facsimile machine with a frame and hinged tray, as suggested by Bang, with the damper disposed on the frame and configured for maintaining frictional engagement with the media tray, as suggested by Gehrung, in order to control the motion of the media tray from a vertical to a horizontal position.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gehrung (3,409,339) and in further view of Winberg (6,026,776). As set forth in claim 14, under a case of obviousness, Gehrung discloses the damper for a media tray. Gehrung further discloses (column 3, line 6) that the shoe channel is a leather strip and therefore non-fluidic and non-mechanistic, where "non-mechanistic" is defined as "not-automatic". Gehrung does not expressly disclose the damper being made from an elastomeric material. Winberg discloses a damper made of an elastomeric material, but does not disclose a damper for a media tray pivotally mountable to a printer frame. At the time of invention, it would have been obvious to a person of ordinary skill in the art to make a

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non-fluidic, non-mechanistic damper made from an elastomeric material, as suggested by Winberg, for a media tray pivotally mountable to a printer frame, as suggested by Gehrung, to insure a desired frictional sliding engagement between a finger tip and media tray.

### ***Allowable Subject Matter***

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Individual parts of each one of the following patent and patent publications contained some art relevant to the application considered, however was not referenced in the office action.

U.S. Patent Publication No.	2003/0103127 A1 to Khomeri et al.
U.S. Patent Publication No.	2002/0127043 A1 to McCue, JR. et al.
U.S. Patent No.	5,651,536 to Daul
U.S. Patent No.	5,393,137 to Bivens et al.
U.S. Patent No.	5,167,252 to Rogne
U.S. Patent No.	5,074,543 to Lawniczak et al.
U.S. Patent No.	4,415,180 to Payne. Jr.
U.S. Patent No.	4,768,630 to Aubry et al.
U.S. Patent No.	6,129,348 to Park
U.S. Patent No.	6,260,839 to Araki et al.
U.S. Patent No.	6,357,740 to Inoue et al.
U.S. Patent No.	6,457,707 to Hendrix



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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